

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 34 and 39 are currently being amended.

Claims 45 and 46 are currently being added.

This amendment and reply amends and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and adding the claims as set forth above, claims 25-46 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 25-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,438,392 to Toba in view of U.S. Patent No. 6,125,264 to Watanabe et al. This rejection is traversed for at least the reasons given below.

In its rejection of claim 25, the Office Action asserts that Figure 3, operation keys 4, column 5, lines 21-35 and column 5, line 55 to column 6, line 4 of Toba describe the providing of control signals to a control section to cause the control section to search a call history storing area and a telephone directory memory, wherein, when an unanswered call was received while the foldable portable cellular phone was folded, a sound corresponding to the calling party of the unanswered call is output through operation of the key. Applicant respectfully disagrees with this assertion. Namely, in Toba, when a cellular phone is in a folded state, a liquid crystal display panel allows a user of the cellular phone to see which calls were made to his/her cellular phone while the cellular phone is in the folded state. The vibration and/or sound emanated by the cellular phone is not provided such that the user can determine a particular calling party which made a particular call, based on that particular sound previously being equated by the user of the cellular phone with the particular calling party. Rather, the user of Toba's cellular phone only knows by the sound and/or vibration

that a call was made to his/her cellular phone, and the user of Toba's cellular phone has to peruse the LED display to determine who actually made that call.

The Office Action appears to recognize at least some of these deficiencies of Toba, and turns to Watanabe et al. for allegedly teaching such features. However, this is not the case. Rather, in Watanabe et al., when a control circuit judges that a call has been made to a cellular phone when the cellular phone is in a folded state, a vibrator or sounder is activated, to allow the user to respond to the call by pushing an operation key, to thereby initiate a conversation status. See column 5, lines 20-27 of Watanabe et al. The Office Action asserts that column 3, lines 16-21 and column 3, lines 35-52 of Watanabe et al. describes a telephone directory memory in which a plurality of different sounds are stored so as to be associated with a plurality of pre-registered calling parties; Applicant respectfully disagrees. In particular, column 3, lines 16-21 of Watanabe et al. describes that a read-only memory (ROM) 22 and random access memory (RAM) 23 store a plurality of kinds of sound elements data, for generating an audible ringing signal. Column 3, lines 35-52 of Watanabe et al. describes that when a CPU 21 determines that there is an incoming call, the CPU issues a calling sound generating command signal to an audio signal processor 5, wherein sound elements data stored in the ROM 22 and data corresponding to a calling sound generating method stored in the RAM 23 are supplied to the audio signal processor 5, and whereby a calling sound is emanated from a speaker 8 of the cellular phone.

There is nothing in these portions of Watanabe et al. concerning the equating, by a called party, of calling parties with particular sounds, so that when a sound is made by the called party's cellular phone while the cellular phone is folded, the called party can determine who made that call to him/her, based solely on that sound.

Rather, Watanabe's system allows a called party to select a particular series of sounds to be emanated by his/her cellular phone, whereby that series of sounds may correspond to a popular-song, whereby there is no equating of a particular song with a particular calling party in the disclosure of Watanabe et al.

Rather, the combination of Toba and Watanabe et al. provides for a cellular phone that outputs a particular sound determined by the called party when the cellular phone of the called party is folded, whereby that particular sound is selected by the called party based on the called party's tastes. In other words, there is no teaching or suggestion in either Toba or

Watanabe et al. as to a called party being able to select different sounds to correspond to different calling parties, such that when the called party's cellular phone is folded, the user can then determine who called him/her by selecting a button and hearing the sounds that emanate from the cellular phone that indicate who had called him/her (e.g., Mom, Dad, Sister, Boyfriend, Girlfriend).

Accordingly, independent claim 25 is patentable over the cited art of record.

Independent claims 33, 34 and 39 recite similar features to those discussed above with respect to claim 25, and thus those claims are also patentable over the cited art of record.

Furthermore, with respect to dependent claims 43 and 44, those claims recite:

m unanswered calls were received while said foldable portable cellular phone was folded, m being a positive integer greater than one, and upon operation of the keypad m consecutive times by the called party, a sound corresponding to a calling party of one of the m unanswered calls that was received by said foldable portable cellular phone prior to any of the other m-1 unanswered calls, is output through operation of said key.

The Office Action lumps the rejection of claims 43 and 44 with the rejection of claim 25, and does not appear to discuss the specific features of these claims in any detail. That is, the operation of a button "m" consecutive times by the called party, in order to obtain a sound corresponding to a calling party of one of the "m" unanswered calls that was received by the foldable cellular phone prior to any of the other m-1 unanswered calls, is nowhere hinted at by either Toba or by Watanabe et al. If the rejection of these claims is to be maintained, clarification is respectfully requested as to where such features in these claims are specifically taught or suggested by Toba and by Watanabe et al.

Therefore, claims 43 and 44 are patentable due to the specific features recited in those claims, beyond the reasons given above for their respective base claim.

New Claims:

New claims 45 and 46 have been added to recite features of the fifth embodiment described on pages 18 and 19 of the specification, whereby both a particular ringing sound and a particular vibration are output by the portable phone in order to allow a user to identify a sender of an unanswered call to the portable phone when the portable phone was folded, and

to identify a sender of an e-mail sent to the portable phone when the portable phone was folded. Such features provide an additional basis of patentability for those claims, beyond the reasons given above for their respective base claim.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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